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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,713	06/26/2003	Naysen Jesse Robertson	200208055-1	5776

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

BARAN, MARY C

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/606,713	ROBERTSON ET AL.	
	Examiner	Art Unit	
	Mary Kate B. Baran	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/04;2/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 1 "Background" line 6, "development, manufacturing and/or" should be – development and/or manufacturing –.

Appropriate correction is required.

Claim Objections

2. Claim 26 is objected to because of the following informalities:
 - (a) Claim 26 page 32 line 1, "executing a diagnostics" should be – executing diagnostics –.
 - (b) Claim 26 page 32 line 1, "obtain response" should be – obtain a response –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11-20, 25, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogley (U.S. Patent No. 6,617,872).

Referring to claims 1, 20 and 25, Vogley teaches an electronic system including a plurality of components(see Vogley, column 2 line 57 – column 3 line 6), a system for frequency margin testing one or more components (see Vogley, column 4 lines 1-2), comprising: a controller internal to said electronic system (see Vogley, column 3 lines 36-39); and a digital frequency synthesizer (see Vogley, column 4 lines 39-43) in communication with said controller and with one or more of said components (see Vogley, column 4 lines 39-51), said frequency synthesizer generating one or more test frequencies for application to one or more test values in response to commands from said controller (see Vogley, column 4 lines 39-51 and column 6 lines 15-20).

Referring to claim 2, Vogley teaches a diagnostics software executing to collect data regarding a response of selected components of said system to said test frequencies (see Vogley, column 3 lines 17-32).

Referring to claim 3, Vogley teaches that said controller executes said diagnostics software (see Vogley, column 3 lines 17-32).

Referring to claims 4 and 5, Vogley teaches a hardware monitor in communication with said controller and said frequency synthesizer to measure values of said one or more test frequencies and to transmit said measured values to said controller (see Vogley, column 4 lines 39-51 and column 5 lines 1-19) and to receive

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data regarding response of said components to said one or more test frequencies (see Vogley, column 4 lines 39-51 and column 5 lines 1-19).

Referring to claim 6, Vogley teaches that said controller transmits command signals to said frequency synthesizer to cause the synthesizer to generate said one or more test frequencies (see Vogley, column 5 lines 1-19 and column 6 lines 15-20).

Referring to claim 11, Vogley teaches that said frequency synthesizer receives an input reference clock signal and, in response to a command signal from said controller, generates an output clock signal as a multiple of said input clock signal (see Vogley, column 3 lines 7-16).

Referring to claim 12, Vogley teaches that said frequency synthesizer applies said output clock signal as a test frequency to one or more components for frequency margin testing thereof (see Vogley, column 3 lines 7-16).

Referring to claims 13 and 29, Vogley teaches that said frequency synthesizer generates each one of a plurality of test frequencies based on a pattern of input bits received from the controller (see Vogley, column 6 lines 15-37).

Referring to claim 14, Vogley teaches that said controller initiates margin testing in response to commands from an external system (see Vogley, Figure 1 and column 3 lines 17-20).

Referring to claim 15, Vogley teaches that said external system comprises: a console in communication with said controller via a serial bus (see Vogley, column 3 lines 7-16).

Referring to claims 16 and 17, Vogley teaches that external system comprises: a remote computer in communication with said controller, said remote computer communicates with said controller via a network-based connection (see Vogley, column 4 lines 44-67).

Referring to claim 18, Vogley teaches that said external system includes a scripting entity for generating commands for transmission to said controller (see Vogley, column 3 lines 34-43).

Referring to claim 19, Vogley teaches that said one or more components receive nominal clock frequencies in the absence of said test frequencies (see Vogley, column 6 lines 48-61).

Referring to claim 26, Vogley teaches executing diagnostics software to obtain a response of the system to each of said test frequencies (see Vogley, column 3 lines 17-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 21-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogley (U.S. Patent No. 6,617,872) in view of Hawkins et al. (U.S. PG-Pub. No. US2003/0130969) (hereinafter Hawkins).

Referring to claims 7-10, 21-24, 27 and 28, Vogley teaches all the features of the claimed invention except that said controller is a Baseboard Management Controller (BMC); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol; that the communication bus is a I²C-based bus; that said I²C-based bus is an IPMB bus; and that said computer system is a computer server.

Hawkins teaches that said controller is a Baseboard Management Controller (BMC) (see Hawkins, page 2 [0015]-[0017]); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol (see Hawkins, pages 1-2 [0014]); that the communication bus is a I²C-based bus (see Hawkins, page 1 [0006]); that said I²C-

based bus is an IPMB bus (see Hawkins, page 1 [0013]); and that said computer system is a computer server (see Hawkins, page 1 [0004]).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because including a Baseboard Management Controller (BMC), implementing an Intelligent Platform Management Interface (IPMI) protocol, including an I²C-based bus, wherein said I²C-based bus is an IPMB bus, and that said computer system is a computer server would have allowed the skilled artisan to provide a star intelligent platform management bus topology.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- (a) Monfared et al. teach frequency margin testing of bladed servers.
- (b) Heuer teaches a margin test method and apparatus for integrated services digital networks.
- (c) Camporese et al. teach a programmable clock tuning system and method.
- (d) Ooishi et al. teach a synchronous semiconductor integrated circuit device capable of test time reduction.
- (e) Dolby teaches an apparatus and method for calibrating recording and transmission systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

30 April 2006


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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